

### **IC 7.1-3-1.5**

#### **Chapter 1.5. Certification of Alcohol Server Training Programs**

### **IC 7.1-3-1.5-1**

#### **"Alcohol server"**

Sec. 1. As used in this chapter, "alcohol server" means the following:

(1) A person who works on the licensed premises of a retailer permittee as a:

- (A) manager;
- (B) bartender; or
- (C) waiter or a waitress.

(2) A person who works on the licensed premises of a dealer permittee as a:

- (A) manager; or
- (B) sales clerk.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-2**

#### **"Dealer permittee"**

Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a liquor dealer permit under IC 7.1-3-10 for a package liquor store.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-3**

#### **"Program"**

Sec. 3. As used in this chapter, "program" refers to a program designed to educate an alcohol server on the:

- (1) selling;
- (2) serving; and
- (3) consumption;

of alcoholic beverages.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-4**

#### **"Retailer permittee"**

Sec. 4. As used in this chapter, "retailer permittee" means a person who holds a:

- (1) beer retailer's permit under IC 7.1-3-4;
- (2) liquor retailer's permit under IC 7.1-3-9; or
- (3) wine retailer's permit under IC 7.1-3-14.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-5**

#### **Rules**

Sec. 5. (a) The commission shall adopt rules under IC 4-22-2 to establish:

- (1) an application form;
- (2) standards; and

(3) fees;  
for certification of a program under this chapter.

(b) The commission shall adopt rules under IC 4-22-2 to otherwise carry out this chapter.

*As added by P.L.161-2005, SEC.1.*

#### **IC 7.1-3-1.5-6**

##### **Program certification standards**

Sec. 6. The commission shall require the following standards for certification of a program under this chapter:

- (1) Training by an instructor who has knowledge in the subject areas described in this section.
- (2) Information on specific subject areas as required by the commission.
- (3) A minimum of at least two (2) hours of training to complete the program.
- (4) Information on:
  - (A) state laws and rules regarding the sale and service of alcoholic beverages;
  - (B) the classification of alcohol as a depressant and the effect of alcohol on the human body, particularly on the ability to drive a motor vehicle;
  - (C) the effects of alcohol:
    - (i) when taken with commonly used prescription and nonprescription drugs; and
    - (ii) on human behavior;
  - (D) methods of:
    - (i) identifying and refusing to serve or sell alcoholic beverages to an underage or intoxicated person; and
    - (ii) handling situations involving an underage or intoxicated person;
  - (E) methods for properly and effectively:
    - (i) checking the identification of an individual;
    - (ii) identifying an illegal identification of an individual; and
    - (iii) handling situations involving individuals who have provided illegal identification;
  - (F) security and law enforcement issues regarding the sale and service of alcoholic beverages; and
  - (G) recognizing certain behavior to assess the amount of alcohol an individual:
    - (i) has consumed; and
    - (ii) may safely consume.
- (5) One (1) or both of the following:
  - (A) A written test.
  - (B) An oral test.

*As added by P.L.161-2005, SEC.1.*

#### **IC 7.1-3-1.5-7**

##### **Program certification requirements**

Sec. 7. The commission shall issue a certificate to an applicant who:

- (1) files the application and pays the fees established by the commission under section 5 of this chapter;
- (2) meets the:
  - (A) requirements under this chapter; and
  - (B) rules adopted by the commission;
- (3) is a:
  - (A) nonprofit corporation or organization; or
  - (B) for-profit corporation or organization that does not have an interest in a permit issued to a primary source of supply, a wholesaler, a retailer permittee, or a dealer permittee under this chapter; and
- (4) does not hold a permit under this article.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-8**

#### **Certification expiration and renewal**

Sec. 8. (a) A certificate issued under this chapter expires at a time and date designated by the commission.

(b) The commission shall adopt rules to establish:

- (1) an application form; and
- (2) fees;

for the renewal of a certificate under this chapter.

(c) The commission shall send written notice of the upcoming expiration of a certificate to each certificate holder at least sixty (60) days before the expiration of the certificate. The notice must inform the certificate holder of the need to renew and the requirement of payment of the renewal fee. If notice of expiration is not sent by the commission, the certificate holder is not subject to a sanction for failure to renew if, once notice is received from the commission, the certificate is renewed within forty-five (45) days after the receipt of the notice.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-9**

#### **Certification renewal requirements**

Sec. 9. To renew a certificate under this chapter, the certificate holder must:

- (1) file the renewal application established and provided by the commission; and
- (2) pay the renewal fee in the amount established by the commission;

not later than the expiration date of the certificate.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-10**

#### **Suspension; revocation; fines**

Sec. 10. (a) The commission may:

- (1) refuse to issue, renew, or restore a certificate issued under

this chapter; or  
(2) suspend or revoke a certificate issued under this chapter;  
if the board determines that the applicant or certificate holder has not complied with this chapter.

(b) The commission may fine a certificate holder for the violation of a:

- (1) provision of this chapter; or
- (2) rule adopted by the commission under this chapter.

The commission may fine a certificate holder for each day the violation continues if the violation is of a continuing nature.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-11**

#### **Injunction**

Sec. 11. (a) If a person violates this chapter, the attorney general, the commission, or the prosecuting attorney of the county in which the person violates this chapter may maintain an action in the name of the state to enjoin the person from continuing in violation of this chapter.

(b) A person who is enjoined and who violates the injunction shall be punished for contempt of court.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-12**

#### **Violation; Class B infraction**

Sec. 12. A person who operates a program without a certificate under this chapter commits a Class B infraction.

*As added by P.L.161-2005, SEC.1.*

### **IC 7.1-3-1.5-13**

#### **Retailer or dealer permittee; duties and responsibilities**

Sec. 13. (a) A retailer permittee or dealer permittee who operates an establishment where alcoholic beverages are served or sold must:

- (1) ensure that each alcohol server completes a program certified under this chapter not later than ninety (90) days after the date the alcohol server begins employment at the establishment;
- (2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the program subject areas described in section 6 of this chapter, as required by the commission; and
- (3) maintain training verification records of each alcohol server.

(b) A retailer permittee or dealer permittee must complete a program certified under this chapter not later than ninety (90) days after the date:

- (1) the dealer permittee is issued a permit described in section 2 of this chapter; or
- (2) the retailer permittee is issued a permit described in section 4 of this chapter.

(c) The commission may suspend or revoke a retailer permittee's

or dealer permittee's permit or fine a retailer permittee or dealer permittee for noncompliance with this section in accordance with IC 7.1-3-23.

*As added by P.L.161-2005, SEC.1.*